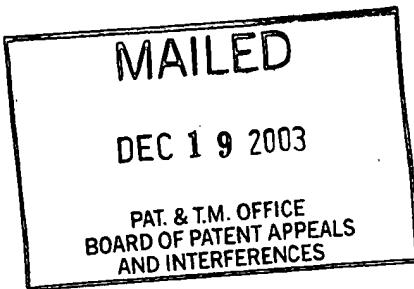


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte TONGBI JIANG
and
EDWARD A. SCHROCK

Application No. 09/483,712

ORDER RETURNING UNDOCKETED APPEAL

This application was received at the Board of Patent Appeals and Interferences on November 25, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

An amendment after final was filed by appellants on March 27, 2002 (Paper No. 9). The Advisory Action mailed April 12, 2002 (Paper No. 10) indicated that "[w]hen the application goes to appeal, the amendment to claim 1 will be entered." A review of the record indicates the amendment was not physically entered.

It should be noted that the amendment to claim 1 filed May 29, 2002 (Paper No. 13) does not incorporate the wording added by the amendment filed March 27, 2002 (Paper No. 9). Hence, the Appendix to the Appeal Brief filed May 27, 2003 (Paper No. 20) does not contain a correct copy of the claims involved in the appeal as required by 37 CFR § 1.192(c)(9) (2002).

Accordingly, it is

ORDERED that the application is returned to the Examiner:

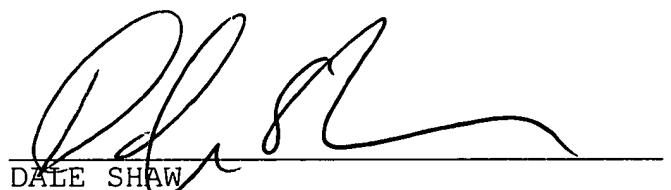
1. for physical entry of the amendment filed March 27, 2002 (Paper No. 9);
2. for notification to appellants to submit a corrected Appendix to the Appeal Brief filed May 27, 2003 (Paper No. 20) to replace the existing defective Appendix, or for the

examiner to issue a supplemental Examiner's Answer to officially correct the Appendix; and

3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



DALE SHAW
Program and Resource Administrator
(703) 308-9797

cc: Joseph A. Walkowski
Trask Britt & Rossa
P.O. Box 2550
Salt Lake City, UT 84110

ds/psb/lc
RA040118